

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**DERRICK BROOKS,**

**Plaintiff,**

**v.**

**9:12-CV-624  
(NAM/CFH)**

**RYAN P. BRENNAN, Secure Care Treatment  
Aide, CNYPC; CHRISTOPHER D. SMITH,  
Secure Care Treatment Aide, CNYPC;  
LAURA SMITH-CREASER, R.N., Ward  
Nurse/Supervisor for Ward 605,  
CNYPC; and BRETT DAVIS, Secure Care  
Treatment Aide, CNYPC,**

**Defendants.**

---

**APPEARANCES:**

**OF COUNSEL:**

**DERRICK BROOKS**

#172542

Central New York Psychiatric Center

P.O. Box 300

Marcy, New York 13403

Plaintiff, *pro se*

**HON. ERIC T. SCHNEIDERMAN**

Attorney General for the

State of New York

The Capitol

Albany, New York 12224-0341

Attorney for Defendants Ryan Brennan,

Christopher D. Smith, Laura Smith-Creaser

**CATHY Y. SHEEHAN, ESQ.**

Assistant Attorney General

**ARMOND J. FESTINE, ESQ.**

258 Genesee Street, Suite 603

Utica, New York 13502

Attorney for Defendant Brett Davis

**NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed on the 17<sup>th</sup> day of November 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

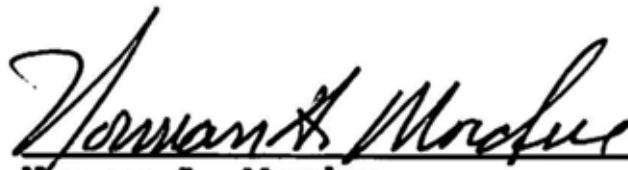
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendants' Brennan, Smith and Smith-Creaser's motion for summary judgment (Dkt. No. 41) is denied and defendant Davis's motion for summary judgment (Dkt. No. 39) is denied.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: December 9, 2014  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge